

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	x
ICD CAPITAL, LLC	:
individually and derivatively on	:
behalf of nominal defendant	:
CodeSmart Holdings, Inc.	:
Plaintiff,	:
v.	:
CODESMART HOLDINGS, INC.,	:
and SHARON FRANEY,	:
Defendants.	:
	x

Notice is hereby given that Plaintiff in the above-captioned action, ICD Capital, LLC individually and derivatively on behalf of nominal defendant CodeSmart Holdings, Inc. (“CodeSmart”), by and through its undersigned counsel, hereby appeals to the United States Court of Appeals for the Second Circuit the Opinion and Order dated July 13, 2020 [Doc. 92] denying Plaintiff’s motion for leave to file a second amended complaint and dismissing Plaintiff’s claims against Sharon Franey and CodeSmart with prejudice, and all associated orders and opinions, including, without limitations, the Order dated February 19, 2020 [Doc. 80] granting Defendants’ motion to dismiss the amended complaint.

Dated: New York
August 11, 2020

Respectfully submitted,

COUNSEL FOR PLAINTIFF
ICD CAPITAL, LLC

By: /s/ Joseph M. Pastore III
Joseph M. Pastore III (JP1717)
Pastore & Dailey LLC
420 Lexington Ave., 3rd Floor
New York, NY 10170
845-667-5711 (tel)
646-661-4322 (fax)

4 High Ridge Park
Stamford, CT 06905
203-658-8454 (tel)
203-348-0852 (fax)

CERTIFICATION

The undersigned certifies that on the August 11, 2020, the foregoing was filed electronically and notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Joseph M. Pastore III

Joseph M. Pastore III